

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Darryl R. Molden,)	C/A No.: 1:19-2576-SVH
)	
Plaintiff,)	
vs.)	
)	ORDER
Commissioner of Social Security,)	
)	
Defendant.)	
)	

This matter is before the court on Defendant’s motion to amend the court’s order awarding Plaintiff’s counsel fees and \$16.00 in “costs and expenses.” [ECF No. 27]. In Plaintiff’s “Statement of costs and expenses, he lists \$16.00 in certified mailing fees and other postage. [ECF N0. 25-3]. Defendant requests the court amend the “award to reflect \$16.00 in expenses only as stated in the EAJA Response.” [ECF No. 28].

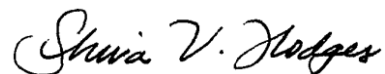
A review of the record before the court shows that Plaintiff used the terms costs and expenses, both together and alternatively, throughout his brief. [ECF No. 25-1 at 3, 5]. Plaintiff cites to 28 U.S.C. §§ 2412(c)(1), 2414, to distinguish between the terms costs and expenses, but a review of these subsections reveals that the distinction between costs and expenses is not defined. Defendant’s response mentions the \$16.00 only once, referring to it as “expenses” without further explanation. In the motion to amend before the court Defendant notes that “costs” are paid from a separate fund from

“expenses,” but fails to provide any legal basis for categorizing the \$16.00 as expenses instead of costs.

“Fees and other expenses” are defined as “the reasonable expenses of expert witnesses, the reasonable cost of any study, analysis, engineering report, test, or project which is found by the court to be necessary for the preparation of the party’s case, and reasonable attorney fees” 28 U.S.C. § 2412(d)(2)(A) (in relevant part). “Costs” are delineated in 28 U.S.C. § 1920 and include fees of the clerk, printing and transcripts fees, and copy and docketing fees. Neither statute expressly provides how mailing costs should be categorized.

Because the amount in question is minimal and the parties consent, the undersigned grants Defendant’s motion to amend the order. However, Defendant is advised that in the future, such requests that do not provide legal authority will be denied.

IT IS SO ORDERED.



October 30, 2020
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge